

Iowa Criminal and Juvenile Justice Plan

1997 Update

Multi-Year Goals

Sentencing Reform

Incarceration Rate of African-Americans

Domestic Violence

Prison Population Forecast

Juvenile Crime & Responses to Violent Youth

Runaways

CJJP Division of Criminal & Juvenile Justice Planning
Iowa Department of Human Rights

February, 1997

Iowa Criminal and Juvenile Justice Plan -- 1997 Update

ABOUT THIS REPORT

Pursuant to Iowa Code 216A, subchapter 9, CJJP is required to issue an annual report containing long-range system goals, special issue planning recommendations and research findings. CJJP's 1997 response to its reporting requirement is different from past years. Rather than issuing one large document containing many separate reports, single-issue 1997 Update reports now are being made available based on reader interest and need. It is hoped this approach to disseminating CJJP research and planning reports will be more cost effective and more responsive to the planning activities and information needs of Iowa's policy makers, justice system officials and others.

On the cover of this document is a listing of various topics that are the subjects of separate CJJP reports issued in February, 1997. To receive other 1997 reports, please contact CJJP as indicated below.

Through the oversight of both the Iowa Juvenile Justice Advisory Council and the Iowa Criminal and Juvenile Justice Planning Advisory Council, CJJP staff are engaged in a variety of research, data analysis, program and policy planning and grant administration activities. Annually, these two advisory councils review long-range justice system goals and identify current issues of concern to be addressed through CJJP's research and planning activities.

Reports on the issues listed below are being issued through CJJP's 1997 Update and are the result of the planning activities of the Iowa Criminal and Juvenile Justice Planning Advisory Council (CJJ PAC) and the Iowa Juvenile Justice Advisory Council (JJAC).

- **Multi-Year Goals****
- **Sentencing Reform***
- **Incarceration Rate of African Americans***
- **Domestic Violence***
- **Prison Population Forecast**
- **Juvenile Crime & Responses to Violent Youth**
- **Runaways****

Note: Single asterisk reports include recommendations developed and approved by the CJJPAC. Double asterisk reports include recommendations developed and approved by the CJJPAC and the JJAC.

A number of CJJP staff were involved in the research and writing of the reports being issued through this 1997 Update. Primary authorship or significant contributions were as follows:

Richard Moore: CJJP Administrator

Clarence Key, Jr.: “Sentencing Reform”
“Incarceration Rate of African Americans”
“Domestic Violence”

Dave Kuker: “Runaways”
“Juvenile Crime and Responses to Violent Youth”

Lettie Prell: “Sentencing Reform”
“Prison Population Forecast”
“Juvenile Crime and Responses to Violent Youth”

Laura Roeder: “Prison Population Forecast”
“Juvenile Crime and Responses to Violent Youth”

TO RECEIVE ADDITIONAL CJJP 1997 UPDATE REPORTS

Reports on the issues listed on the previous page can be obtained by contacting CJJP:

Division of Criminal & Juvenile Justice Planning	
Iowa Department of Human Rights	Phone: 515-242-5823
Lucas State Office Building	Fax: 515-242-6119
Des Moines, Iowa 50319	email: cjjp@max.state.ia.us

AVAILABILITY OF RELATED REPORTS:

Several reports were prepared to assist CJJP complete their 1997 Update reports. They contain much information not included in CJJP’s 1997 Update materials. To receive copies of the below listed reports, contact CJJP as described above.

- “A Survey of Juvenile & Criminal Justice Personnel: Services for Runaways and Serious Violent Juvenile Offenders,” Michael J. Leiber, University of Northern Iowa, 1996.
- “Summary Report -- Preliminary Findings from the Midwest Homeless and Runaway Adolescent Project,” Les B. Whitbeck, Iowa State University, 1996.
- “Responding to Runaways in Iowa: A Discussion of Relevant Laws and Services,” Dave Kuker, CJJP, 1996.

STAFF REPORT: JUVENILE CRIME & RESPONSES TO VIOLENT YOUTH
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INTRODUCTION

This is a staff report on juvenile crime and responses to youth violence prepared by the Division of Criminal and Juvenile Justice Planning (CJJP) at the request of the Juvenile Justice Advisory Council and the Criminal and Juvenile Justice Planning Advisory Council. The two Councils formed a joint planning committee, comprised of members from both councils and others, which provided input and direction for the development of the report. That committee met a number of times over the summer and fall of 1996.

As part of the process for completion of this report, CJJP contracted with a University of Northern Iowa researcher, Dr. Michael Leiber, to interview system officials regarding their views on juvenile violence. Summary information from Dr. Leiber's report is discussed later in this document. Copies of Dr. Leiber's full report, "A Survey of Juvenile and Criminal Justice Personnel: Services for Runaways and Serious Violent Juvenile Offenders," are available through CJJP.

Additionally, CJJP reviewed information provided by the Department of Human Services, the Department of Corrections, the Department of Public Safety, a variety of secure juvenile facilities, the Iowa Code, and a number of local national, state and local publications. CJJP staff also conducted interviews with a number of juvenile justice system officials throughout Iowa.

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JUVENILE ARRESTS

To provide basic information regarding the scope and nature of juvenile crime, CJJP reviewed the Iowa Uniform Crime Reports (UCR's) which are produced by the Iowa Department of Public Safety (DPS). Law enforcement agencies from throughout Iowa provide arrest information to DPS where the information is compiled for state and local use. DPS, in turn, forwards the arrest information to federal officials. It should be noted that DPS began a new method of collecting and reporting UCR data in 1991. With the change has come a difficulty in comparing current arrest information with that collected before 1991 due to the initial underreporting by law enforcement agencies during the early years of the change.

DPS officials note that not all Iowa law enforcement agencies report arrest information, and that some agencies which are presently reporting arrest information under-report juvenile arrest statistics. It is important to note that the arrest rates reported by DPS are adjusted rates and were based on age-specific populations of those law enforcement jurisdictions reporting any data to DPS. If a law enforcement agency underreported data, but reported at least some data, both the arrest and population numbers from that jurisdiction were included in the calculation of the state-wide rates reported by DPS. Assuming that the population numbers for given jurisdictions are accurate, and the number of arrests are less than what actually occurred, the actual statewide arrest rate would be greater than that reported below. Given current and past underreporting of juvenile arrests by some jurisdictions, CJJP believes that the arrest rates discussed below are lower than would be seen if all juvenile arrests were reported. The reader is strongly urged to refer to DPS's "1995 Iowa Uniform Crime Report" for more information on this topic.

Given that 1990 can be viewed as a year when arrests were more fully reported, it is possible to compare more recent years' adjusted rates with 1990 rates to gain a perspective on changes over time:

* For all ages, the 1990 arrest rate (arrests per 100,000 persons) was 4,087; in 1995 it was 4,098. While this indicates a slight growth, the actual number of reported arrests in 1995 (98,687) was less than the number reported in 1990 (113,477).

* The juvenile arrest rate in 1990 was 3,089 (per 100,000 juvenile population); in 1995 this rate was 2,895.

* Despite the overall rate decrease between 1990 and 1995, there were some particularly notable increases in juvenile arrest rates for certain crimes (e.g. drug offenses, aggravated assault, disorderly conduct).

Information in Table 1 is provided for the time period of 1993-95 to provide an overview of the new reporting system's adjusted arrest rates for some of the most violent offenses. UCR offense categories may include both felonies and misdemeanors.

Observations on the data in Table 1 below are as follows:

- * Overall arrest rates for some of the most violent offenses such as murder, negligent manslaughter and kidnapping are 2 or under per 100,000 for each of the listed years for both juveniles and adults.
- * Arrest Rates for sexual assaults and robbery are somewhat higher than for those offenses listed above. In 1994 and 1995, juvenile robbery arrest rates were higher than those of adults.
- * Arrest rates for aggravated and simple assault have increased during the period studied for both juvenile and adults. The adult arrest rate for both aggravated and simple assault is higher than that of juveniles.

Table 1
Arrest Rates (per 100,000) for Selected Offenses

Offense Category	1993		1994		1995	
	Juvenile	Adult	Juvenile	Adult	Juvenile	Adult
Murder	1.8	1.4	1.5	1.4	0.3	2.0
Neg. Manslaughter	0.0	0.1	0.0	0.2	0.0	0.4
Kidnapping	0.5	1.3	1.0	1.7	0.2	1.4
Sexual Assault	12.2	12.4	12.5	13.0	12.8	12.4
Robbery	10.1	10.0	17.5	10.5	17.8	12.2
Aggravated Assault	85.5	100.8	107.5	116.7	108.5	143.9
Simple Assault	201.3	294.1	244.3	308.0	240.0	356.9

Source: 1995 UCR, Iowa Department of Public Safety

Additional analysis was performed to illustrate *all* reported juvenile crime for the same time period (1993 - 1995) (see Table 2 below). The table groups highest arrest rates first and lowest arrest rates last.

Table 2
Juvenile Arrest Rates

Arrests per 100,000 Juveniles:				Arrests per 100,000 Juveniles:			
<u>Offense Category</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>Offense Category</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
Larceny	572.9	635.3	672.2	Robbery	10.1	17.5	17.8
Liquor Laws	367.9	336.0	372.1	Stolen Prop Offense	11.7	15.2	16.3
All Other Offenses	174.4	215.1	269.2	Sexual Assault	12.2	12.5	12.8
Simple Assault	201.3	244.3	240.0	Arson	11.0	22.4	11.7
Vandalism	171.2	213.5	208.2	Intimidation	6.9	12.2	9.1
Disorderly Conduct	136.7	117.4	207.2	Bad Checks	3.0	5.2	4.9
Burglary	150.0	159.0	131.4	Statutory Rape	0.5	1.1	1.1
Curfew/Loitering/Vag.	84.1	112.2	118.6	Extortion/Blackmail	0.2	0.8	0.6
Drug Offenses	42.6	77.8	117.9	Gambling	0.0	0.2	0.3
Aggravated Assault	85.5	107.5	108.5	Incest	1.0	0.2	0.3
Runaway	106.5	120.6	93.7	Murder	1.8	1.5	0.3
Motor Vehicle Theft	51.2	68.2	70.7	Prostitution	0.0	0.3	0.3
Trespass	78.1	60.6	68.1	Kidnapping	0.5	1.0	0.2
Drunkenness	30.9	35.0	47.2	Bribery	0.0	0.0	0.0
OWI	27.9	29.3	44.3	Family Offenses	0.3	1.5	0.0
Theft by Fraud	18.4	21.6	25.4	Neg. Manslaughter	0.0	0.0	0.0
Weapons Laws	27.1	24.6	24.8	Pornography	0.2	0.3	0.0

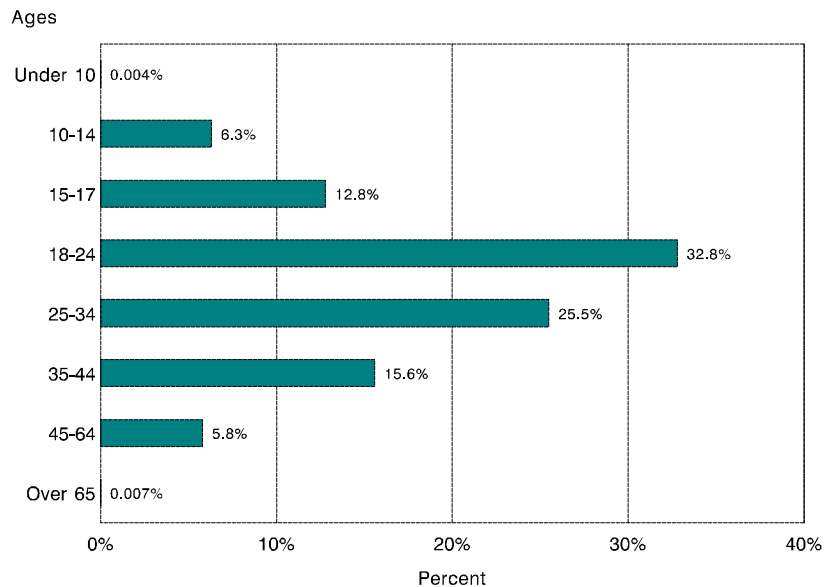
Source: 1995 UCR, Iowa Department of Public Safety

Observations on the data in Table 2 are as follows:

- * Juvenile arrest rates for most offenses did not change greatly over the three year period examined.
- * The most common offense, by far, among juvenile arrestees is larceny.
- * The arrest rates for drug offenses, disorderly conduct, drunkenness, OWI and larceny increased during the three year period examined.
- * In the three year period examined, increases in arrest rates noted for simple assaults, aggravated assaults and robbery occurred between 1993 and 1994, and then appeared to remain stable or decrease in 1995.

Also, analysis was performed on 1995 data and was categorized by the age of offenders at time of arrest for all arrests (see Table 3 below).

Table 3
Arrests By Age, 1995



Source: Iowa Department of Public Safety

Observations on the data in the table above are as follows:

- * Persons under age 18 comprised about 19% of arrestees in 1995.
- * The age groups with the highest numbers of arrests in 1995 were 18 to 24-year-olds (32.8%) and 25 to 34-year-olds (25.5%).

Analysis of UCR data reflects that other than an overall increase in assaults for juveniles and adults, rates for some of the most violent offenses have remained fairly stable in the listed years. Juvenile assault rates are somewhat lower than those of adults. Drug offense arrest rates for juveniles increased in listed years, but most juvenile arrests have been for acts typically classified as non-person offenses (larceny, liquor law violations, vandalism, etc.). Most arrests in 1995 were for persons between 18 and 34 years of age. Persons under age 18 comprised 19% of those arrested in 1995. As reported by DPS, there was an overall increase in juvenile crime from 1993 to 1995. That agency indicates, however, that arrest rates are still lower for those years than they were in 1990.

Note: Iowa Offense Classifications

In various places, this report describes pertinent juvenile justice system statistics by “person” versus “non-person” offenses. Crimes against “persons” are generally considered more serious than “non-persons” crimes. In 1991 the Department of Corrections, Board of Parole, and CJJP met to determine offense type classifications. As a result of this collaboration, standard definitions of the offense categories “persons”

and “non-persons” were developed. To avoid confusion and possible conflict, it was agreed that the definitions would be used by these agencies as they report information to policy makers and the public

The “persons” offense category is intended to contain only those offenses involving death, injury, attempted injury, abuse, threats, coercion, intimidation, duress, or generally anything done to another person against that person’s will.

The “non-persons” offense category contains all offenses not falling under the definition of a “persons” offense. Many of these offenses are property crimes, such as theft and forgery. However, other offenses included in the “non-persons” category are bribery, escape, illegal weapons possession, and drunken driving (except Serious Injury OWI). In cases where offenses could arguably be placed in either category, decisions were driven by what was historically considered to be a “persons” or “non-persons” offense for risk assessment and other statistical purposes.

In addition to the above offense classifications, various juvenile offender data are summarized according to whether or not offenses were against “persons” as defined above, as well as by offense level (felony or misdemeanor).

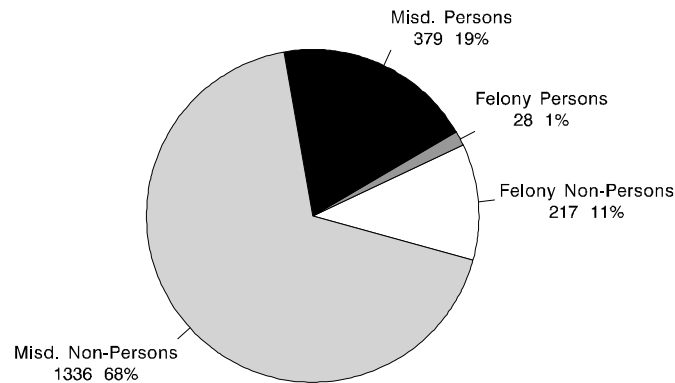
YOUTH IN THE JUVENILE COURT

Juvenile Court Referrals

For this report, the 6th Judicial District Juvenile Court Services Office provided offense information on youth referred to the juvenile court during FY 96. The statistics were available through the Iowa Court Information System (ICIS). ICIS is a state information system that, among other things, can track juvenile court processing for youth. The ICIS system is similarly utilized for adult system processing.

Although ICIS is intended to be a statewide system, not all juvenile court offices are presently “on-line.” Additionally, ICIS use in “on-line” jurisdictions varies. Consequently, no statewide ICIS data was available for this report. The ICIS referral information discussed below is *for Linn County youth only*. The 6th Judicial District has actively used ICIS for a number of years. The FY 96 information provides an indication of the offense characteristics of youth referred to the juvenile court services office in a metropolitan county. However, the information is a one county sample, and the overall statewide implications should be considered accordingly. Table 4 below provides a breakdown of offenses for youth referred in Linn County.

Table 4
Juvenile Court Referrals: Linn County
FY96



Source: 6th Judicial District Juvenile Court Services

Note: Some referral information provided from Linn County officials was excluded from analysis because it could not be categorized as a specific delinquent offense. The excluded information is as listed: CINA related referrals (n=23), change of venue (n=2), warrants (n=67) and courtesy supervisions (n=3).

Analysis of the ICIS data reflects that felony “persons” offenses were only 1% of the offenses referred to the Linn County Juvenile Court. Most “persons” offenses were misdemeanors. Most offenses referred to the juvenile court were misdemeanor “non-persons” offenses.

A change to Iowa Code Section 232.8 took place July 1, 1995 that excludes 16 or 17-year-old youth that commit forcible or certain other felony offenses from the jurisdiction of the juvenile court. Youth age 16 or 17 committing excluded offenses would not have been referred to the juvenile court and would not be reflected in the above statistics. CJJP reviewed Linn County ICIS data for the year prior to the change, FY 95, and felony “person” offenses (n=44) comprised two percent of total referrals (2208) for delinquency. Juvenile court officials caution, however, that the FY 95 data were not completely edited, and that may, to a certain extent, account for the higher number of felony “persons” offenders in that year. It also seems reasonable though that the statutory change reduced the number of violent offenders in FY 96, because affected youth were not being referred to the juvenile court. Youth that committed excluded offenses would have been placed under the jurisdiction of the adult court.

Juvenile Court Processing

Youth that commit delinquent acts can be referred to the juvenile court for supervision and services. Early in processing some youth are diverted from more formalized juvenile court processing and can be placed on informal adjustment/probation. Youth committing the most serious offenses would, in many cases, have a delinquency petition filed. The number of delinquency petitions filed is sometimes used as an indicator of court activity. Listed below are statewide statistics on the number of petitions filed annually for 1992-95. It is not known the types of offenses for which the petitions were filed.

Table 5
Delinquency Petition Filings

	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
# filed	4,975	5,373	5,721	5,850

Source: State Court Administrator's Office

The number of petitions filed has increased steadily during the listed years in response to both the increase in certain crimes and the changing risk and need levels of juvenile offenders as perceived by Iowa's prosecutors, juvenile court officials and others.

After a petition has been filed, some youth may still be diverted through the use of a consent decree. Youth who are unable to be diverted receive an adjudication hearing. A delinquency adjudication hearing is a formalized court hearing to determine the innocence or guilt of given youth. A variety of dispositions are available for youth adjudicated delinquent and include: probation, restitution or community service, nonresidential community-based services (i.e. day treatment, tracking and monitoring, certain school-based services), placement in a group foster care facility, commitment of the youth to one of the state training schools in Toledo or Eldora, etc. Youth committing the most serious offenses could access any of the disposition options outlined above. An overview of some of those dispositions will be provided later in this report.

YOUTH IN ADULT COURT

Some youth, due to the nature or severity of their offense and/or their overall prospects for rehabilitation, are processed under the jurisdiction of the adult criminal court. There is no database presently available to count youth who are handled in the adult court.

The Iowa code contains two basic procedures through which youth are placed under the jurisdiction of the adult court. The procedures are discussed below.

Waiver from Juvenile Court Jurisdiction

Iowa Code Section 232.45 provides a process which allows for “waiver” of “offenses” committed by youth from the jurisdiction of the juvenile court to the jurisdiction of the district or adult criminal court. A hearing is held for the court to make a determination as to whether or not a youth should be prosecuted as an adult. A number of factors are outlined in Section 232.45 for the court to consider in the waiver hearing (prospects for rehabilitation of the youth, nature of the delinquent act, nature and extent of the youth’s prior contacts with the system, etc.). The Iowa Code allows for waiver on any delinquent offense. Youth must be age 14 to be waived. Once waived, that youth is generally subject to the same proceedings and processing as is an adult.

The waiver process is set up to waive individual offenses. Consequently, a youth that is waived on a certain offense who reoffends thereafter may need to go through the waiver process again if the court desires to waive the new offense. However, Iowa Code Section 232.45A does include provisions which would require for youth waived and convicted in adult court of aggravated misdemeanor or higher level offenses to have all subsequent offenses of that level begin processing in adult court.

Exclusion From Juvenile Court Jurisdiction

In 1995, the Iowa legislature enacted a change to Iowa Code Section 232.8 which excludes youth age 16 or over from juvenile court jurisdiction if they commit forcible felonies or certain serious gang, drug or weapon offenses. Youth age 16 or 17 that commit excluded offenses begin processing in the adult criminal court. In many jurisdictions, law enforcement officials take such youth directly to a police lockup or adult jail while awaiting an initial hearing with the court. Procedures in Section 232.8 allow for youth to seek, and, if allowed by the court, to have their case processed in the juvenile court.

PREDISPOSITIONAL HANDLING OF VIOLENT JUVENILE OFFENDERS

What follows is a discussion of select predispositional settings for youth that commit acts of violence. Such youth are often held in a secure setting such as a juvenile detention facility or an adult jail/police lockup prior to receiving disposition from the court. It should be noted that not all youth held in such settings have committed acts of violence.

Juvenile Detention Services

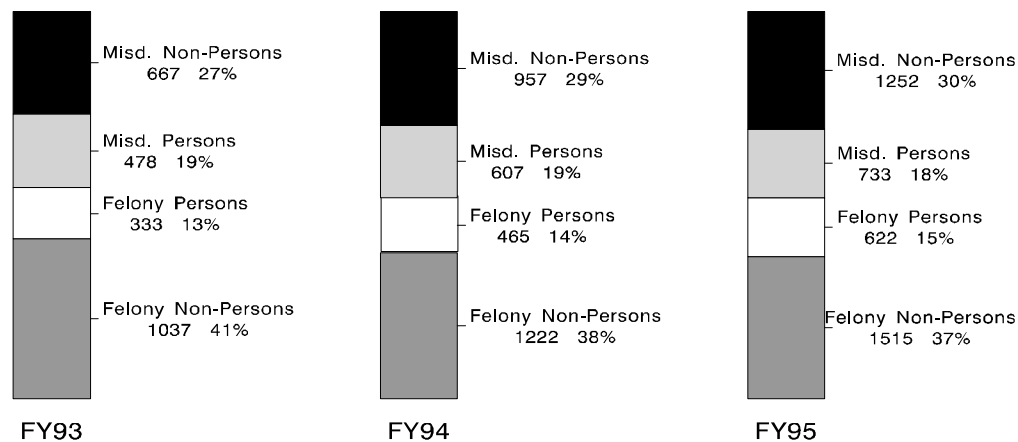
A youth taken into custody by law enforcement for the commission of a violent offense would often go directly to a juvenile detention facility. Indeed, youth that commit *any delinquent act* can be held in a juvenile detention facility. There are 11 such facilities in Iowa. Juvenile detention facilities are locked residential settings where youth under the jurisdiction of the juvenile court are held while awaiting a court hearing, or a court disposition. Holds are typically predispositional in nature, however, the juvenile court can also dispose delinquent youth who violate their probation to juvenile detention facilities for 48 hours. Additionally, in some areas of the state, youth under the adult court’s jurisdiction are held in detention. Clearly, juvenile detention facilities serve the primary functions of providing public safety and assuring a youth’s appearance in court.

In some jurisdictions the decision as to whether or not youth will be held in a juvenile detention facility is made by the juvenile court, while in others that decision initially is made by law enforcement. Bed availability is often one of the most significant factors related to whether or not a youth will be held in juvenile detention. Youth taken to juvenile detention facilities must have a court hearing within 24 hours.

Below is information compiled by CJJP from its own juvenile detention facility data base. The data base contains information specific to all “holds” performed in juvenile detention facilities throughout Iowa. For all reported holds facilities indicate the most serious offense committed by youth. The juvenile detention facility data reflect information on youth that juvenile justice system officials have determined require a secure setting. The graph below provides information on youth held FY 1993-1995.

Table 6

Juvenile Detention Center Holds FY93-FY95



Source: CJJP

Note: Excluded offenses, not used in analysis are status offenses and undefined offenses (n=30 FY95; n=50 FY94; n=60 FY93).

Observations regarding Table 6 are as follows:

- * The percentage of holds for felony “persons” offenses has increased one percent each year for the reported years (13% FY 93, 14% FY 94, 15% FY 95).
- * The percentage of holds for all “persons” offenses has remained fairly stable for the reported years (32% FY 93, 33% FY 94 and FY 95).

- * The percentage of holds for misdemeanor offenses also remained fairly stable for the listed years (46% FY 93, 48% FY 94 and 95).
- * The percentage of holds for misdemeanor “non-persons” offenses has increased slightly for the reported years (27% FY 93, 29% FY 94, 30% FY 95).

Increase in the Use of Juvenile Detention

There has been a significant increase in juvenile detention facility holds for the reported years. Statistics reflect that there were 2,575 holds in FY 93 and by FY 95 that number climbed to 4,152. There are a variety of factors that may have impacted on the increased number of holds including: an increased number of delinquent youth being taken into custody by law enforcement, an increased number of youth under the jurisdiction of the juvenile court, an increased number of youth being transferred from one facility to another (transferred create multiple holds), a group foster care cap that limits the number of youth that can be placed in residential treatment programs, etc.

Another fairly significant factor impacting on the number of detention holds relates to the total number of detention beds available. Provided below are statistics on the historic growth of detention beds available statewide.

Table 7						
<i>The Growth of Juvenile Detention</i>						
<u>Year</u>	<u>1989</u>	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1995</u>	<u>1997</u>
Total Beds	64	85	115	140	155	196

Officials from Cedar Rapids are planning a new, 35-bed juvenile detention facility. Polk county officials are also planning a new detention facility. There is a possibility that additional beds will be added through that process.

Special Detention Research Initiative

For completion of this report officials at Youth Services of Linn County conducted a special study of youth held in their 11 bed juvenile detention facility. Information was analyzed for all holds performed in the Linn County Juvenile Detention Facility for FY 1996.

Additionally, the facility looked back approximately one year in its files to review other offenses for which prior holds were performed on youth. It was theorized that violent acts committed by youth in the past often impact on decisions to detain youth later. Similarly youth held in detention for status offenses: possession of alcohol, running away or curfew violations have often been previously adjudicated on delinquency charges and the status offense represents a probation or other form of technical violation. Status offenses are acts that would not be criminal if committed by adults.

According to facility statistics, a total of 396 *holds* were performed in SFY 1996. Information reported from the facility reflects the following:

- * 73 holds (18%) were based on a new felony offense.

- * 152 holds (38%) were based on a new misdemeanor offense.
- * 72 holds (18%) were based on a previous felony offense.
- * 99 holds (25%) were based on a previous misdemeanor offense.

Linn County officials performed additional analysis which eliminated duplicate holds to determine the actual number of *youth* held in that same time period. In SFY 1996, 287 youth were held in that facility. Total holds per *youth* (n=287) are lower than total *holds* (n=396) because it is not unusual for a given youth to be held multiple-times in a given detention facility over the course of a year. The below observations are provided on the 287 youth held.

- * 33 (12%) had been involved in an offense that is excluded according to Iowa Code Section 232.8.
- * 37 (13%) had been involved in a felony offense against “persons”.
- * 8 (3%) had been involved in a felony drug offense.
- * 1 (less than 1%) had been involved in a felony weapons offense.
- * 107 (37%) had been involved in a felony offense.
- * 117 (41%) had been involved in an offense against “person”.

Note: Statistics provided on holds for youth above will not equal 100% because some of the youth will fall into more than one category. For example, one of the 115 kids involved in a crime against a person may also have been involved with a felony “property” offense, etc.

It should additionally be noted that in the Linn County area police take youth who have committed excluded acts of violence (16 and 17-year-old-youth that commit certain acts of violence would be excluded from juvenile court jurisdiction by Iowa Code Section 232.8) directly to the juvenile detention facility. In many other jurisdictions such youth would be taken directly to an adult jail or police lockup.

Holds in Adult Jails/Police Lockups

As was mentioned above, most youth taken into custody by law enforcement for delinquent acts that are securely held are taken to juvenile detention facilities. Some, youth, however, are held in police lockups and county jails. CJJP maintains a data base with information on youth held in adult jails/police lockups. The data base is *hold* specific. In other words, information is maintained specific for the “holds” of youth. A youth could be held in jail numerous times over the course of a given year. The discussion below provides a brief overview of how youth can be held in adult jail/police lockup setting. The discussion differentiates the requirements applicable to youth under either juvenile or adult court jurisdiction.

Jail/Police Lockup Holds for Youth Under the Juvenile Court’s Jurisdiction.

Secure holds in jails/police lockups for youth under the jurisdiction of the juvenile court are typically brief (under 24 hours) and transitional in nature. In recent years fewer than 50 such holds per year took place in jails or police lockups in Iowa (SFY ‘93 n=44, SFY ‘94 n=38, SFY ‘95 n=39). To be held securely in a law enforcement setting youth must have committed certain delinquent acts, must be at least age 14, and the holds must be performed

sight and sound separate from adult criminal offenders. Other criteria relating to jail holds for youth under the juvenile courts jurisdiction are outlined in Iowa Code Section 232.22.

Jail/Police Lockup Holds for Youth Under the Adult Court's Jurisdiction

Discussed earlier in this report were the two procedures through which youth are placed under the jurisdiction of the juvenile court. This section briefly overviews hold requirements for youth under the jurisdiction of the adult court. It should be noted that although youth under adult court jurisdiction are often held in adult jails prior to court disposition, they also are held in such facilities as a dispositional option of the adult court.

Iowa Code Section 232.22 final unnumbered paragraph requires that youth held in adult jails be waived on at least a felony level offense. Holds for such youth must be done in an environment sight and sound separate from adult offenders. Iowa Code Section 232.22 (6) includes provision that would allow youth waived to adult court on forcible felony level offenses to be held in the general population of adult jails, but sight and sound separation between juvenile and adult offenders must be provided "whenever possible."

The number of holds for youth in jails who were waived to adult court has increased from 1993 to 1995 (SFY '93 n=155, SFY '94 n=154, SFY '95 n=207). It should be noted that the figures presented *do not* include all youth actually waived to adult court, but only those holds for youth under the adult court's jurisdiction while they were held in one of Iowa's jails. Additionally, it is not unusual for youth under adult court jurisdiction to be transferred to other jails during a continuous hold. Metropolitan areas with jail crowding problems often transfer waiver youth to rural counties because of jail crowding problems. Jails have had difficulty reflected all the transfers performed on given youth during a continuous hold. That factor should be taken into consideration for interpretation of the jail data.

DISPOSITIONAL SERVICES AND SANCTIONS FOR VIOLENT JUVENILE OFFENDERS UNDER JUVENILE COURT JURISDICTION

The previous sections provided information on select options for violent youth *prior* to a formal disposition of the court. What follows is information on select *dispositions* for violent juvenile offenders under juvenile court jurisdiction. This report does not attempt to discuss all dispositional options available to the court. Rather, those options discussed below have been included because of their focus relative to violence.

Juvenile Court Programs

Many of the programs and services provided by the juvenile courts have aspects related directly or indirectly to youth violence. Discussion is provided below on two juvenile court programs, tracking and monitoring and day treatment. The programs allow for intensive work with youth while they remain in the community.

Day Treatment Services

Day treatment services are now widely used across the state as a non-residential means of providing treatment services to youth right in their communities. Day treatment may include a variety of different services such as education or tutoring, vocational training, substance

abuse counseling, group work, and other appropriate services. Each of the programs in Iowa is different, but the concept involves delivering treatment to youth during the youths waking hours. Many programs administer services to youth literally from the time the youth gets up in the morning until the time that youth goes to bed at night.

Day treatment services are provided through Department of Human Services funds administered by the state's juvenile court offices. Juvenile court offices, in turn, subcontract the funds to allow for the provision of services through private providers. Day treatment services are typically provided to youth that have involvement in the juvenile justice system. The programs vary in the population of youth served, the level of structure offered within the program, and the number of hours that the services are provided (some programs provide only after-school programming while others provide programming for the entire day and evening). However, because the majority of programs are designed for system-involved youth, most seem to operate with a fairly high level of structure. Although no specific statistics were available at the writing of this report, it is believed that youth who have committed acts of violence are participating in day treatment programs across Iowa.

DHS statistics reflect that Iowa's eight judicial districts served an estimated 1300 youth in day treatment settings in FY 96. The two "feeders" to day treatment programs include youth discharged from group care and the juvenile institutions and youth who would otherwise be placed in group care or one of the state institutions.

Tracking and Monitoring Services

Tracking and monitoring services are a form of intensive supervision/probation services performed in each of Iowa's judicial districts. The services are paid for with Department of Human Services funds and are contracted out to private providers. Programs providing tracking and monitoring services assign case workers a certain number of youth (approximately 5 or 6 youth for a full time worker is typical) to supervise. Workers make multiple contacts with youth during a given day. Some violent youth that are able to remain in the community participate in tracking and monitoring programs.

The program also includes an advocacy and outreach component which may include assistance in the following areas: referral to community resources, health services (physical and mental), education, employment, legal, case conferences and service planning, diagnostic assessment and family life skills.

Youth accessing the program range in age from 9-17. Because of its client intensive nature, the program is being used as an alternative to out-of-home placement. Some youth returning from out-of-home placements also receive tracking and monitoring services. According to DHS statistics, Iowa's eight judicial districts served an estimated 3,500 youth with tracking and monitoring services in FY 96.

Group Care

Group care provides highly structured 24-hour treatment services and supervision for children who cannot be served at a less restrictive level of care due to the intensity or

severity of their emotional/behavioral problems. Youth placed in group care have typically been adjudicated either as delinquent or as CINA. Group care also offers services to families and children in order to implement plans for permanent placement. Permanency goals for children in foster care include reunification with family, placement with a relative or guardian, adoption, independence and long-term care. Some youth in group care settings have committed acts of violence.

Group care services include counseling and therapy, social skills development, restorative living skills development, family skills development, and supervision. Associated activities include social casework, court involvement, licensing, payment and recovery. Group care services are purchased from private agencies. There are four levels of group care: community, comprehensive, enhanced, and highly structured.

Group Care Cap

In 1992 the Iowa General Assembly passed legislation to establish a group “cap” that placed increased emphasis on placement prevention services and limited the historical growth of group foster care and residential treatment expenditures. In fiscal year 1997 a new type of “cap” was established that put limits on the amount of funding (rather than the number of beds) available per DHS region. DHS and juvenile court officials, working in local collaborations with service providers and others, continue to develop plans for alternative services for youths who in the past would have been placed in group care. In June of 1996 there were 950 youth in group care compared to 1,377 in November of 1992.

Given the limited availability of group care placements, only children with the most severe emotional/behavioral problems are being placed in that setting. A variety of alternatives have, in all likelihood, been attempted prior to a youth being placed in group care. Two specific group care facility types, highly structured programs for delinquent youth and enhanced residential treatment programs are discussed below.

Highly Structured Programs for Delinquent Youth

DHS was directed by the Iowa Legislature to develop two 25-bed highly structured, treatment-oriented programs for juvenile males who are adjudicated delinquent. The goal of the programs is to provide short term (90 days) treatment and discipline, followed by aftercare services, in order to change delinquent behavior.

The programs were developed, in part, as a response to juvenile violence in Iowa. However, it should be noted that youth adjudicated for some of the most violent offenses, forcible felonies, are not placed in these programs. The program serves delinquent youth committed by the court who meet the following criteria:

- * Are between 15 and 17 years of age.
- * Have not experienced a residential placement in the last 60 days.
- * Have had a prior adjudication of delinquency.
- * Have committed a public offense that is an aggravated misdemeanor or felony.

- * Have not committed a forcible felony.
- * Have no serious mental illness.
- * Have no serious physical problems/physical disability.

Enhanced Residential Treatment Facilities

Enhanced residential treatment facilities (ERT's) provide treatment for youth who are unable to live in a family situation due to severe social, emotional or behavioral disabilities. ERT's are licensed under regulations for comprehensive residential facilities. Youth placed in ERT's require a high degree of supervision, structure and treatment services due to aggressive or other acting-out behavior which may threaten the safety of the individual or the individual's community or family. ERT's are differentiated from other group care settings by ratio of staff to youth and the intensity of training required of staff. Certainly a fair percentage of youth being served in ERT programs have committed acts of violence.

ERT's were originally established to reduce the number of youth being placed in the state training schools, to reduce the number of youth being sent to out-of-state residential settings, to provide substance abuse and programming for girls, etc. The curriculum for each ERT differs, but all of the programs provide for a fairly high level of structure.

There are presently three ERT's in Iowa that contain locked components, although most ERT's do not utilize such components. The locked ERT's are the juvenile justice system's only secure group care settings. Most ERT providers use their locked ERT's component as a part of a continuum of other services (both residential and nonresidential).

Eligibility for placement in an ERT is similar to that of the Boys State Training School in Eldora (see Boys State Training School below for admission criteria to that facility). A number of the placement criteria specific to ERT placement relate to abuse, school performance or mental health issues of the youth. Reimburse rates for youth placed in ERT settings is higher than that of youth placed in other comprehensive residential facilities.

State Institutions

Iowa has two state institutions for delinquent youth, the Boys State Training School in Eldora and the Iowa Juvenile Home in Toledo. A variety of out-of-home settings have in all likelihood been attempted prior to sending a youth to one of the state institutions. A good number of youth receiving services at the state institutions have committed acts of violence.

Boys State Training School

The Boys State Training School (STS) in Eldora is a locked state institution for delinquent boys. The STS is campus style and youth live in locked cottages on the institution grounds. The facility is considered, by many, to be an end of the line placement for *delinquent boys*. Juvenile offenders that fail at STS would probably face waiver to adult court as their next most serious sanction, although some youth may have multiple admissions to STS.

STS provides a variety of services in a very structured setting which include: educational and vocational programming, sex offender treatment, group and individual counseling,

medical and dental services, substance abuse counseling, recreation and physical programming, etc.

The admission criteria for placement in STS is as indicated below:

- * The juvenile is 12-years-old and the court finds that placement is in the best interests of the child or necessary to the protection of the public and the child has been found to have committed an act which is a forcible felony, or a felony drug or manslaughter offense, or

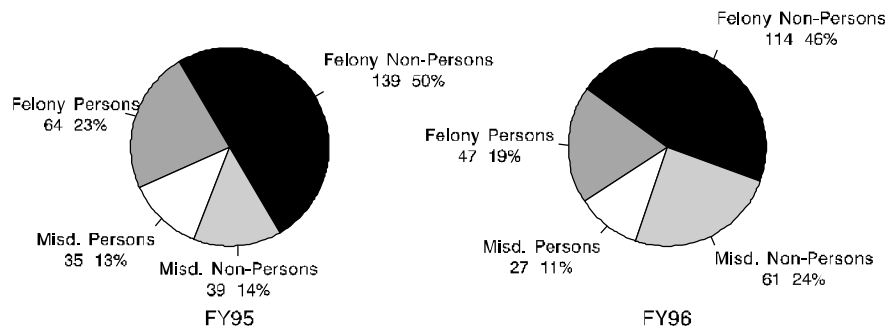
The court finds that three of any of the below listed exist:

- * The juvenile must be at least fifteen years of age and the court finds that placement is in the best interests of the youth or necessary to the protection of the public.
- * The juvenile has committed an act which is a crime against “persons” and which would be an aggravated misdemeanor or a felony if the act were committed by an adult.
- * The juvenile has previously been found to have committed a delinquent act.
- * The juvenile has previously been placed in a treatment facility outside the their home.

CJJP performed offense analysis on youth admitted or recommitted to STS for FY95 and FY 6 (see Table 8 below). The analysis was performed to provide basic offense information on some of the youth entering that facility.

Table 8

Iowa State Training School for Boys
Admissions & Recommitments



Source: Iowa State Training School for Boys

Note: Overall numbers of holds were low (n=277 for FY 95, n=249 for FY 96). The low numbers make analysis problematic.

Observations on the data in Table 8 are as follows:

- * Felony “persons” offenses comprised a significant percent of holds (23% FY 95 and 19% FY 96). There were more holds for felony “persons” offenses than for misdemeanor “persons” offenses.
- * The category of felony “non-persons” offenses comprised the largest percentage of youth held (50% for FY 95 and 46% for FY 96).
- * Most holds were for “non-persons” offenses (64% for FY 95 and 70% for FY 96).
- * Most holds were for felons (73% for FY 95 and 65% for FY 96).

Bed space at the STS is “capped” for each of Iowa’s judicial districts. In other words, each judicial district is allowed to place only a limited number of youth at STS at any given time.

Iowa Juvenile Home

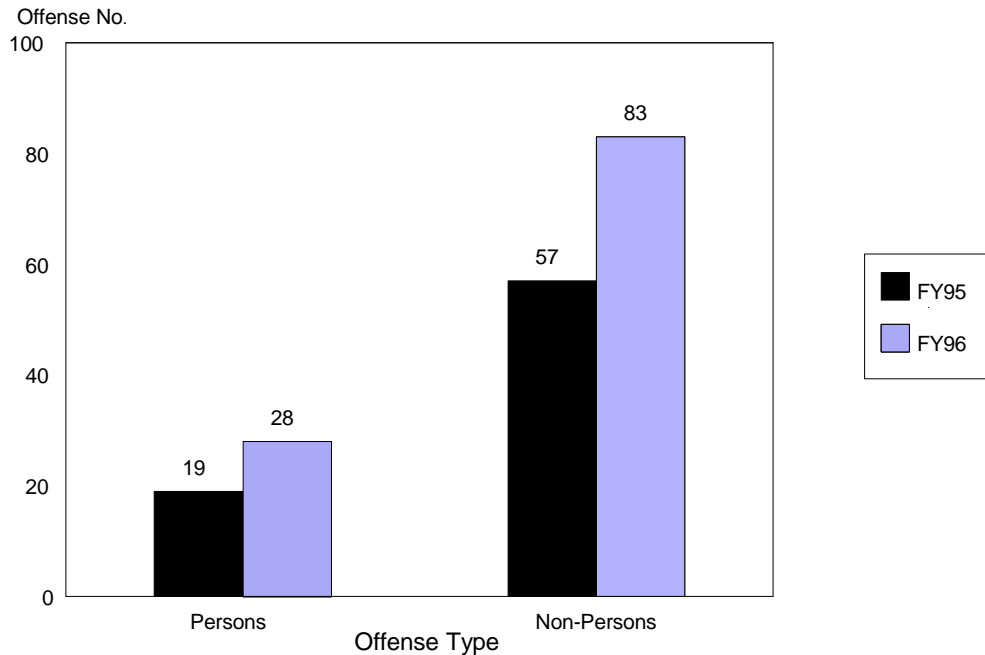
The Iowa Juvenile Home (IJH) is a coed state institution that provides treatment for Children in Need of Assistance and is the state training school for delinquent girls. There are 92 beds with 42 specified for the delinquent females and 16 specified for CINA females. In reality however, there are often up to 30 CINA females so the number of delinquent girls is often below 20. There is currently only one secure cottage on campus. It houses 10 delinquent females. To be committed to IJH as a delinquent, the young women must meet the same criteria as the males committed to Eldora. (see above section regarding Boys State Training School).

A variety of services are provided in a very structured setting which include: educational and vocational programming, group and individual counseling, medical and dental services, substance abuse counseling, recreation and physical programming, etc.

CJJP received information on delinquent females admitted to IJH in FY 95 and FY 96. IJH maintains a database of the delinquent *charges* for which females are adjudicated prior to being sent to that institution. The IJH database does not have the level (felony or misdemeanor) on all charges referred. A table regarding the IJH data is provided on the following page.

Table 9

Adjudication Offenses For Females Referred To IJH



Source: Iowa Juvenile Home

Note: Overall numbers of holds were low (n=76 for FY 95, n=111 for FY 96). The low numbers make analysis problematic.

Observations regarding the IJH data are as follows:

- * “Persons” offenses comprised a significant percentage (FY 95 26% and FY 96 25%) of all the charges referred for delinquent females to the Iowa Juvenile home.
- * Most adjudication charges referred were for “non-persons” offenses.
- * Although not reflected in the chart above, in FY 95, 48% (n=35) and FY 96, 48% (n=38) of the offenses referred were theft related.

DISPOSITIONAL SERVICES AND SANCTIONS FOR VIOLENT JUVENILE OFFENDERS UNDER ADULT COURT JURISDICTION

Along with the above overview of select dispositions for violent juvenile offenders under the juvenile court jurisdiction, CJJP reviewed information obtained from the Adult Corrections Information System (ACIS) and Iowa Community-Based Corrections (ICBC) database. The review was conducted to learn more about youth placed under the jurisdiction of the adult court. Analysis was conducted regarding adult probation and prison entries of offenders who were either under age 18 at arrest or on date the offense was committed.

- Since FY 94, the number of offenders admitted to adult probation and prison who were under age 18 at arrest (or on the date of their offenses) has not changed significantly.

Table 10
**Adult Probation & Prison Entries:
 Offenders Under Age 18 At Arrest**

<u>Entries to:</u>	<u>FY94</u>	<u>FY95</u>	<u>FY96</u>
Probation	212	225	246
Prison	71	67	81

Note: For probation entries, the date of arrest was used. For prison admittees, the date of offense was used because the date of arrest was not readily available.

- Among those admitted to probation in FY95 and FY96, 14% and 18% respectively were charged with crimes against “persons”, versus “non-persons”. Among those admitted to prison in FY95 and FY96, about half were charged with crimes against “persons”, versus “non-persons” offenses.
- Each Judicial District Department of Correctional Services uses a variety of sanctions and services, ranging from “administrative” probation (little or no face-to-face contact or supervision) to residential facilities. Among those youth admitted to probation in FY95 and FY96, 74 and 64 respectively were required to serve a portion of their sentences in a residential treatment facility. It is assumed that a wide variety of sanctions and services were provided to the rest. However, the ability to describe such interventions is lacking given definitional differences among the districts and the lack of a state-level repository of data describing the nature of many probation interventions. It does appear that none of the youth described above were supervised under the the districts’ Intensive Probation Supervision (ISP) programs.
- Iowa Code changes effective in FY96 mandated new automatic waiver provisions for certain juvenile offenders to adult court (Section 232.8(1c)). Analysis of adult probation and prison admissions before and after this change revealed **no** substantial increase thus far in the admissions of persons who would have been or are subject to the new automatic waiver provisions.

Table 11
**Adult Probation & Prison Entries:
 Offenders Meeting Mandatory Waiver Provisions**

<u>Entries to:</u>	<u>FY95</u>	<u>FY96</u>
Probation	5	7
Prison	30	31
Total	35	38

VIEWS OF SYSTEM PROFESSIONALS ON YOUTH VIOLENCE

Much of the previous discussion in this report involved review of juvenile and adult system processing, and analysis of various statistical data. CJPJ also attempted to obtain anecdotal

information from system officials that work with youth who have committed violent acts. CJJP contracted with a University of Northern Iowa researcher to gather such information.

Michael Leiber, Ph.D., of the University of Northern Iowa, interviewed 73 juvenile justice system professionals from across the state. His focus was to find out how certain youth were being processed in the different judicial districts. Open and closed ended questions were asked regarding serious and violent offenders and also runaways. Summary information regarding runaways is provided as a separate part in this plan. The information below is summarized from Leiber's report "A Survey of Juvenile and Criminal Justice Personnel: Services for Runaways and Serious Violent Juvenile Offenders."

The Causes of Violence

When asked to rank among a variety of causes related to youth violence, system officials listed the "individual choice" of youth as the most important determinant or cause for violence. The causal factor ranked next in importance was "family", which was followed by "peers". The effect or causation of "poverty" is ranked last most frequently (68%).

System Orientation for Responding to Violence

Most respondents felt that a system orientation of accountability is the most important response for violent youth. A majority of persons interviewed believe in being strict with violent youth. At the same time respondents still felt that the juvenile justice system needed, additionally, to provide rehabilitation for such youth. Additionally, most of the respondents do not favor treating violent youth as adults (especially through juvenile court jurisdiction exclusion as in Iowa Code Section 232.8) or the use of the death penalty as a sanction.

Programs for Dealing With Violent Youth

52% of the respondents disagree with the statement that adequate services are in place to deal with violent youth. A variety of programs are being used for violent youth (i.e. day treatment, tracking and monitoring, the Boys State Training School, etc.). Aftercare and the ability to tie programs together as a continuum are seen as important to successfully working with violent youth.

The creation of a seamless system in the form of youthful offenders laws was supported by a large number of the respondents. Support for this option must be viewed with caution since many of the respondents are not familiar with this type of legislation.

SUMMARY OBSERVATIONS

A wide variety of information sources were consulted for completion of this report. This staff report is intended to provide basic information to policy makers and others attempting to address issues associated with youth violence. Summary observations are provided below.

* There has not been a dramatic increase in the statewide rate of reported juvenile arrests in recent years. However, it is believed that juvenile arrests are being underreported in some jurisdictions. Juvenile arrest rates for drug offenses, disorderly conduct, drunkenness, OWI and larceny did increase between 1993 - 1995. Increases in arrest rates for simple assault, aggravated assault and robbery occurred between 1993 and 1994, and then appeared to remain stable or to decrease in 1995. Juveniles account for about 19% of all reported arrests. The offense for which juveniles have the highest arrest rate is larceny (theft). Serious, violent crimes against persons account for a very small portion of reported juvenile arrests.

* Despite the lack of a dramatic increase in reported juvenile arrest rates since 1990, the number of juvenile court delinquency petitions being filed has steadily increased in recent years. Use of juvenile detention has also increased considerably -- this increase includes an increase in the number of violent youth being detained, although the percent of all detention holds that involve violent youth has remained fairly constant.

* It should not be assumed that recent or future increases in juvenile court delinquency petitions are due to an increase in juvenile violence. While increases in the reported juvenile arrest rate for assaults have no doubt had an impact, the arrest rate for such crimes seemed to occur in the first half of the 1990's, with 1995 seeing what might be the beginning of a leveling off or reduction in arrests for juvenile violence. Increases in formal juvenile court processing may instead be affected by the need or desire to respond more formally to the types of juveniles committing non-violent crimes. This need or desire is likely based on a combination of many factors, including both real and perceived changes in: the types of juveniles being referred to the court; public perceptions and opinions regarding juvenile crime; and, the nature of delinquency programs, service eligibility policies and other such system operation issues.

* Recently established programs (day treatment, tracking and monitoring, highly structured residential programs, ERT's, etc.) are being used to deal with violent youth. Violent youth also continue to be sent to the STS or waived to adult court.

* Analysis of adult probation and prison admissions -- before and after the state law change which excludes youth which commit certain serious offenses from juvenile court jurisdiction -- revealed no substantial increase in the admissions of persons who would have been, or are, subject to the new provision.

* Juveniles who commit felony crimes against persons make up a small portion of the populations of the various interventions accessed by either the juvenile court or the adult court.

* Research conducted by Dr. Michael Leiber of the University of Northern Iowa provided a variety of findings regarding violent youth:

- Respondents felt that the system has a responsibility to insure youth are held accountable, but at the same time should also provide youth rehabilitation.
- Most respondents did not favor treating violent youth as adults (especially through juvenile court jurisdiction exclusion as in Iowa Code Section 232.8.)
- Most study participants did not feel there were adequate services in place to deal with violent youth.
- Study respondents stressed the need for a continuum of services to deal effectively with violent youth.
- After-care components were seen by respondents as important mechanisms for working with violent youth.
- The creation of a seamless system in the form of youthful offenders laws was supported by a large number of the respondents. Support for this option must be viewed with caution since many of the respondents were not familiar with this type of legislation.

* System officials contacted for this report stress the importance of focusing attention regarding violence to juveniles committing misdemeanor offenses against persons and “non-persons” offenses. It is these offenses that constitute the vast share of juvenile crime. Youth committing such offenses, or youth at risk of committing such offenses, also are often considered to be more responsive to prevention and early intervention services, court interventions and rehabilitation programs.